<u>Remarks</u>

Claims 1-6 and 8-87 are pending, and have been rejected. Claims 1, 6, 52, 55, 82 and 85 are amended herein.

Claims 1-6, 8-16, 18, 21-38 and 44-87 are rejected under 35 U.S.C. §102(e) as being anticipated by Geiger. Applicants respectfully traverse this rejection. Of the claims rejected under 35 U.S.C. §102(e), claims 1, 6, 12-16, 21, 27, 30, 47, 52, 55, 62, 78, 82 and 85 are independent.

Applicants respectfully note that MPEP § 707(c)(2) requires that:

> In rejecting the claims for want of novelty or for obviousness ...
> [w]hen a reference is complex or shows or describes inventions
> other than that claimed by the applicant, the particular part relied
> on must be designated as nearly as practicable. The pertinence of
> each reference, if not apparent, must be clearly explained and each
> rejected claim specified.

Applicants respectfully note that the Examiner has failed to explain the pertinence of the references, or indicate how they anticipate or make obvious the pending claims. Instead, the Examiner simply goes through each limitation of each pending claim, and makes a blanket statement that one of the references discloses that limitation. Usually (but not always), the Examiner cites a section of the reference as allegedly disclosing the limitation, but the Examiner never explains the relevance of the cited section or how it discloses or suggests the limitation in question. Nonetheless, in the interest of moving the prosecution forward, the Applicants have studied both the cited references and the Examiners action, and have made every good faith effort to understand how the references could be pertinent to the pending claims.

Claim 1 recites a method for controlling distribution of electronic messages comprising "identifying a ***priority level corresponding to the message*** and identifying ***a processing rule for***

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*the identified level"* (emphasis added). The message is then processed in accordance with the identified rule. In other words, messages have different priority levels, and are processed according to different rules based on their associated priorities. Thus, messages with different priority levels can be processed differently by a single receiver, based on their different priority levels.

Geiger in no way discloses or suggests prioritizing messages, or processing the messages based on rules associated with message based prioritization levels. When Geiger discusses "priority" it is clearly referring to executing multiple actions on a single message according to the *priority of the actions*. In other words, if a business rule specifies to perform three actions to a message, those action will all be performed on *that single message* in the order indicated by the priority of the actions. *See* Geiger col. 10, lns. 44-62, col. 17, lns. 34-42, col. 19, ln. 52 - col. 20, ln. 20. As Geiger does not include associating priority levels with messages, needless to say Geiger also fails to disclose or suggest applying different rules to messages having different priority levels. *See id.*

Claim 1 recites processing electronic messages with different priority levels differently, according to the *different rules for the different priority levels*. Geiger discusses processing messages according to business rules pertaining to the messages themselves. Only if a rule indicates performing multiple actions on a single message does Geiger include a notion of priority, which is simply a priority applied to the actions, to determine in which order they are applied to that message. Despite the common terminology of "priority" and "rule," the underlying functionalities are very different. Applicant respectfully posits that claim 1 is allowable over Geiger.

Of the other independent claims rejected under 35 U.S.C. §102(e) as being anticipated by Geiger, claims 6, 12-16, 21, 27, 30, 52, 55, 62, 78, 82 and 85 all recite processing communications according to associated priority levels, and should thus be allowable over Geiger for at least the same reasons as outlined above. Additionally, many of these independent claims recite additional limitations neither suggested nor disclosed by Geiger. For example, claims 6, 13, 14, 15 and 62 recite delaying the distribution of individual messages based on priority level, whereas Geiger only discusses delaying the processing of a set of messages so as to process them as a group at a later time. *See* Geiger, col. 11, ln. 12-45. Claims 13, 21, 27, 30, 55 and 78 recite processing network connections based on priority levels of associated network communications, whereas Geiger fails to discuss allocating network connections at all, much less doing so according to the priority levels of messages. Claims 52, 82 and 85 all recite processing internal network resources according to priority levels of associated network communications, which is another function on which Geiger is silent.

Claim 47 recites "tracking a number of inbound connections for each of a plurality of communications hosts" and "altering a connection build process for a certain of said plurality of communications hosts to control a flow of said certain host's network communications." Geiger is entirely silent on tracking inbound network connections and the existence of connection build processes, much less "altering a connection build process for a certain of said plurality of communications hosts to control a flow of said certain host's network communications" as claim 47 recites. Applicants respectfully request that the Examiner explain how Geiger teaches these features or withdraw the rejection.

All claims rejected under 35 U.S.C. §102(e) other than claims 1, 6, 12-16, 21, 27, 30, 47, 52, 55, 62, 78, 82 and 85 are dependent on these independent claims, and thus should be allowable over Geiger for at least the same reasons.

Claims 17, 19, 20 and 39-43 are rejected under 35 U.S.C. is being obviousness in light of a hypothetical combination of Geiger and Aronson. Applicants respectfully traverse this rejection. These claims are all dependent upon independent claims which, for the reasons outlined above, are not anticipated by Geiger. The Examiner does not cite Aronson to show the features recited in the independent claims that Geiger lacks, but instead to show additional, dependently claimed features. Thus, Applicant respectfully posits that claims 17, 19, 20 and 39-43 are allowable over a hypothetical combination of Geiger and Aronson for at least the same reasons that their parent claims are allowable over Geiger. For the record, Applicants also respectfully traverse the Examiner's assertion that there exists motivation to combine Geiger and Aronson.

Applicants believe that all pending claims are now in condition for allowance, and respectfully requests early notice to that effect. The Examiner is invited to contact the undersigned if the Examiner believes that discussion is desirable or would advance prosecution.

Respectfully submitted,

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Jeffrey Brill
Registration No. 51,198
SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. Box 061080
Wacker Drive Station, Sears Tower
Chicago, Illinois 60606-1080
(415) 882-2479